

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

OCT 26 2006

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DANIEL ALAN BROKENSHIRE, BRUCE DAVID D'AMORA,
GORDON CLYDE FOSSUM, CHARLES RAY JOHNS,
JOHN SAMUEL LIBERTY and BRAD WILLIAM MICHAEL

Application No. 09/833,348

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on October 3, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On April 27, 2006, an Examiner's Answer was entered into the record. In the Evidence Relied Upon section, page 2, paragraph 8, the examiner has stated that "No evidence is relied upon by the examiner in the rejection of the claims under appeal." A review of the file reveals that references to Warren et al. 6,304,300 and Deering 2001/0055025 are applied to the statement of rejections in the Examiner's

Answer. Before further review, the examiner must submit a corrected Examiner's Answer that will include in the Evidence Relied Upon section, the list of references mentioned in the statement of rejections. See the Manual of Patent Examining Procedure, (MPEP) § 1207.02.

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) submit a revised Examiner's Answer in accordance with the MPEP § 1207.02; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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